

November 30, 2011

Vicki Hightower
Chief Deputy District Attorney
Special Prosecutions Section
Riverside County District Attorney
3960 Orange Street
Riverside, CA 92501

**Re: Your Request for Informal Assistance
Our File No. I-11-211**

Dear Ms. Hightower:

You have submitted a power point file that will be used in presenting local ethics training for local government officials pursuant to Assembly Bill 1234. Please note that our review is limited to the provisions of the Political Reform Act (the "Act").¹ Because your inquiry is general in nature and does not involve a specific official, we are treating your letter as a request for informal assistance.² With respect to the other laws covered by the training (slides 20-25, 43-46, and 49-62), you may want to contact the Attorney General's Office for their feedback.

- Slide 16: This slide lists the economic interests in Section 87103 but does not mention investments. (Section 87103(a).)
- Slide 18: Section 87200 filers also have the obligation to leave the room pursuant to Section 87105 after stating on the record that they have a conflict of interest. (See also, Regulation 18702.5.)
- Slide 29-37 -- According to the Senior Commission Counsel working on the gift regulations, these slides are accurate. We do have some significant changes coming up at our December meeting and you may want to watch those for future trainings.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The Regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

- Slide 72: This is the Act's behested payment rule and is probably the most frequently overlooked disclosure rule. This may deserve another slide. We would suggest the following changes:
 - Bullet 2: "Donation is made for a purpose unrelated to the elected official's candidacy, such as legislative, governmental, or charitable purposes."
 - Bullet 3: "Donation will be made at the behest of an elected official (i.e. under the control or at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express, prior consent of.)"

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Zackery P. Morazzini
General Counsel

By: John W. Wallace
Assistant General Counsel
Legal Division

JWW:jgl

LEGAL DIVISION ASSIGNMENT SHEET

TRACKING NUMBER: 11366

| ITEM DESCRIPTION | |
|------------------|---|
| | Advice Letter [No 11195. , Requestor Campbell, Jason] |
| | Opinion Request [No. _____, Requestor _____] |
| | Regulation Project [No. _____] |
| | Public Records Act Request [No. _____, Requestor _____] |
| | Committee Termination Extensions/Reopening [Requestor _____] |
| | Conflict of Interest Code Exemption Request [Requestor _____] |
| | Other [_____] |

DUE DATE 11/17/2011

ASSIGNED TO: Bill

Chair Review

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YES

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NO

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Received by FPPC on: 10/18/11

TRACKING/APPROVAL

Date to Assignee: 10/19/11

| REVIEWERS | DATE TO REVIEW | 1st APPROVAL & DATE (Incl. Regulation Prenotice Memos) | DATE TO REVIEW | 2nd APPROVAL & DATE (Incl. Regulation Notices) | DATE TO REVIEW | FINAL APPROVAL & DATE (Incl. Regulation Adoption Memos) |
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| Proofed | | | | | | |
| Senior | | | | | | |
| Assistant General Counsel | | | | | | |
| General Counsel | | | | | | |
| Executive Director | | | | | | |
| Chair | | | | | | |